

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

CARLOS GASPAR MACIAS #45505-080

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:08-cv-223-DCB-MTP

CONSTANCE REESE, RUSSELL PERDUE,
ROY C. CHEATHAM, UNKNOWN CASTELLI,
DEBRA DAWSON, DARRYL HOOKS AND
MICHAEL MUKASEY¹

DEFENDANTS

ORDER

This matter is before the Court to review the Complaint filed by inmate Macias, who is currently incarcerated at the Federal Correctional Center (FCC) - Yazoo City, Mississippi. The Court finds that the plaintiff has stated an arguable claim on the face of the Complaint against defendants Constance Reese, Warden; Russell Perdue, Associate Warden; Roy C. Cheatham, Captain; Unknown Castelli, Assistant Captain; Debra Dawson, SIS Lieutenant; and Darryl Hooks, Unit Manager. Accordingly, upon liberal review of the Complaint filed, it is hereby,

ORDERED AND ADJUDGED:

1. That named Defendant Michael Mukasey, Attorney General of the United States, is **dismissed** as a Defendant in this case. The Plaintiff has failed to assert any allegations against Defendant Murksey, however as provided for in Rule 4 of the *Federal Rules of Civil Procedure*, the Attorney General of the United States will be served with a copy of the summons and complaint filed in this cause.

¹Plaintiff has identified the Attorney General of the United States as a defendant in this cause. The Court notes the correct spelling of this defendant's name is Michael Mukasey.

2. That the United States District Clerk is directed to issue summons to

Constance Reese, FCI Talladega
Federal Correctional Institution
P.O. Box 1000
Talladega, Alabama 35160

Russell Perdue, FCC - Yazoo City
2255 Haley Barbour Pkwy
Yazoo City, Mississippi 39194

Roy C. Cheatham, FCC - Yazoo City
2255 Haley Barbour Pkwy
Yazoo City, Mississippi 39194

Unknown Castelli, FCC - Yazoo City
2255 Haley Barbour Pkwy
Yazoo City, Mississippi 39194

Debra Dawson FCC - Yazoo City
2255 Haley Barbour Pkwy
Yazoo City, Mississippi 39194

Darryl Hooks, FCC - Yazoo City
2255 Haley Barbour Pkwy
Yazoo City, Mississippi 39194.

3. That the United States District Clerk shall serve, by certified mail, a copy of the summons and Complaint filed herein, along with a copy of this order upon the **Civil Process Clerk of the Office of the United States Attorney for the Southern District of Mississippi**, 188 E. Capitol St., Suite 500, Jackson, Mississippi 39201; the **Attorney General of the United States**, at 10th Street & Constitution Avenue, Washington, D.C. 20530; **Constance Reese**, FCI Talladega, Federal Correctional Institution, P.O. Box 1000, Talladega, Alabama 35160; and **Russell Perdue, Roy C. Cheatham, Unknown Castelli, Debra Dawson and Darryl Hooks**, at FCC - Yazoo, P.O. Box 5050, Yazoo City, Mississippi 39194.

4. That Defendants, Constance Reese, Russell Perdue, Roy C. Cheatham, Unknown

Castelli, Debra Dawson and Darryl Hooks file an answer or other responsive pleading in this cause within 60 days of the service of this order. However, motions addressing the exhaustion of the Plaintiff's administrative remedies shall be filed within 15 days from the date of the answer or other responsive pleading.

5. That as provided in 28 U.S.C. § 636(b)(1)(B) and Rule 72(b) of the *Federal Rules of Civil Procedure*, this Court may designate and assign a magistrate judge to hear a prisoner petition challenging the conditions of confinement. This Court hereby refers this cause to **United States Magistrate Judge Michael T. Parker** for all further proceedings provided for by 28 U.S.C. § 636 and Rule 72 of the *Federal Rules of Civil Procedure* to include conducting hearings and submitting to the district judge assigned to this cause proposed findings of fact and recommendations for the disposition of this cause.

6. That the Clerk of Court shall also serve a copy of this order upon **Plaintiff** by mailing same to Plaintiff's last known address. The Plaintiff is warned that his failure to timely comply with any order of this Court or a failure to keep this Court informed of his current address, may result in the dismissal of this case.

SO ORDERED, this the 23rd day of July, 2008.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE